IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 20650 of 2004

Between:

Saripaka Appalanarasimha Murthy, S/o. Late Suryanarayana,
Regati Village, Garividi Mandal, Viziyanagaram District.

..... PETITIONER

AND

1 The District Collector (Panchayatraj), Viziyanagaram.
.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue Writ of Mandamus or any other appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of the respondents in suspending the petitioner for three months without conducting enquiry, by setting aside the orders passed by the 1st respondent on 11-10-2004, in proceedings No.RK.No.1550/2004-5, as arbitrary, against the principles of natural justice and also violation of Art 14, 21 of the Constitution of India,

Counsel for the Petitioner:MR.K.PURUSHOTHAM

Counsel for the Respondent: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court, at the stage of admission, made the following :

ORDER

The petitioner, who was elected as Sarpanch of Regati Gram Panchayat of Vizianagaram District, was served with a show cause notice, dated 8-09-2004, issued by the 1st respondent, calling upon to show cause as to why he should not be suspended on the allegations specified thereunder. Pursuant to the same, the petitioner submitted his explanation on 28-09-2004. According to the petitioner, without considering the said explanation, the 1st respondent came to a conclusion that the petitioner misappropriated the Panchayat funds, and thereby invoking Section 249(6) of A.P. Panchayat Raj Act suspended him for a period of three months by order dated 11.10.2004.

On a perusal of the impugned proceedings dated 11-10-2004 issued by the 1st respondent, it is evident that only after considering the explanation submitted by the petitioner, he was placed under suspension for a period of three months, pending further enquiry into the matter. Since the impugned orders are only for suspension of the petitioner pending enquiry into the matter, the writ petition cannot be entertained and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. However, if the petitioner is aggrieved by the proceedings of the 1st respondent, he is at liberty to avail the remedy of revision under Section 264 of the A.P. Panchayat Raj Act. No order as to costs.

A. GOPAL REDDY. J.

10th November, 2004

tsr.

To

1 The District Collector (Panchayatraj), Viziyanagaram.
2. Two C.C.s to Government Pleader for Panchayat Raj & Rural Development, High Court Buildings, Hyderabad (OUT).

3. Two C.D. copies.